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16 **UNITED STATES DISTRICT COURT**
17
18 **DISTRICT OF NEVADA**

19 Samantha Inc., d/b/a Samantha's Remedies, a
20 Nevada Corporation,
21 Plaintiff,

22 vs.

23 State of Nevada, ex rel, Department of Health
24 and Human Services Nevada Division of
25 Public and Behavioral Health Medical
26 Marijuana Establishment Program; State of
27 Nevada, ex rel, Department of Taxation;
28 DOES 1-10; and ROE CORPORATIONS 1-
10,

Defendants.

Civil Case No.: 2:19-cv-00785-GMN-
NJK

**STIPULATED AND ORDER TO
REMAND CASE TO STATE COURT
AND, IN ALTERNATIVE, TO GIVE
PLAINTIFF EXTENSION OF TIME TO
FILE RESPONSIVE BRIEF TO STATE'S
MOTION TO DISMISS**

Pursuant to L.R. 7-1, SAMANTHA INC., D/B/A SAMANTHA'S REMEDIES, A NEVADA CORPORATION, Plaintiff ("SAMANTHA"), by and through their attorney LEO P. FLANGAS of the FLANGAS LAW FIRM and STATE OF NEVADA, ex rel, DEPARTMENT OF HEALTH AND HUMAN SERVICES NEVADA DIVISION OF PUBLIC AND

1 BEHAVIORAL HEALTH MEDICAL MARIJUANA ESTABLISHMENT PROGRAM; STATE
2 OF NEVADA, ex rel, DEPARTMENT OF TAXATION, ("State of Nevada") by and through its
3 attorney STEVE SHEVORSKI, ESQ. of the STATE OF NEVADA, OFFICE OF THE
4 ATTORNEY GENERAL hereby stipulate and agree:

5 WHEREAS, on May 7, 2019, State of Nevada filed a Petition for Removal from Eighth
6 Judicial District Court, Case Number A-19-789983-B (Dkt 1).

7 WHEREAS, on May 7, 2019, entry of a Minute Order in Chambers of the Honorable
8 Chief Gloria M. Navarro scheduled a statement of a removed action to be due by May 22, 2019.
9 Joint Status Report regarding removed action was ordered to be due by June 6, 2019. (Dkt 2).

10 WHEREAS, on May 9, 2019, a Notice of Appearance was filed by Steven Shevorski on
11 behalf of Defendants State of Nevada, ex rel, Department of Health and Human Services Nevada
12 Division of Public and Behavioral Health and Human Services Medical Marijuana Establishment
13 Program, State of Nevada, ex rel, Department of Taxation. (Dkt 4).

14 WHEREAS, on May 14, 2019, a Motion to Dismiss was filed by Defendants State of
15 Nevada, ex rel, Department of Health and Human Services Nevada Division of Public and
16 Behavioral Health Medical Marijuana Establishment Program, State of Nevada, ex rel,
17 Department of Taxation. Responses were ordered due by May 28, 2019. (Dkt 5).

18 WHEREAS, on May 14, 2019, a Statement Regarding Removal was filed by Defendants
19 State of Nevada, ex rel, Department of Health and Human Services Nevada Division of Public
20 and Behavioral Health Medical Marijuana Establishment Program, State of Nevada, ex rel,
21 Department of Taxation. (Dkt 6).

1 WHEREAS, on May 17, 2019, a Notice of Voluntary Dismissal of Certain Claims
2 Pursuant to F.R.C.P. 41(a)(1)(A)(i) was filed by Plaintiff Samantha Inc., d/b/a Samantha's
3 Remedies, a Nevada Corporation. (Dkt 7).

4 WHEREAS, on May 17, 2019, Motion to Remand to State Court was filed by Plaintiff
5 Samantha Inc., d/b/a Samantha's Remedies, a Nevada Corporation. Responses due by May 31,
6 2019. (Dkt 8).

7 WHEREAS, based on Plaintiff's filings, no federal claims remain in this case.

9 WHEREAS, the parties desire to conserve this Court's resources under these
10 circumstances and agree to remand this case to the Eighth Judicial Court of the District of
11 Nevada.

12 WHEREAS, the parties agree to extend time for the Plaintiff to respond to Defendant's
13 Motion to Dismiss to fourteen (14) days after the Court's decision on Plaintiff's Motion to
14 Remand to State Court if Plaintiff's motion is not granted.

16 NOW THEREFORE IT IS HEREBY STIPULATED:

18 1. The above recitals are incorporated within as if fully set forth herein.

20 2. The parties stipulate and agree, subject to the State's reservation of all defenses
21 and the right to have the motion to dismiss otherwise considered on its merits, to remand
22 this case to the Eighth Judicial Court for the District of Nevada.

24 3. Alternatively, should it be necessary, the parties agree to extend time for the
25 Plaintiff to respond to Defendant's Motion to Dismiss to fourteen (14) days after this
26 Court's decision on Plaintiff's Motion to Remand to State Court if Plaintiff's motion is not
27 granted.

4. The undersigned have authority on behalf of their respective Clients to enter into this stipulation.

DATED: 5/24/19

DATED: 5/24/19

/s/ Leo P. Flangas
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Attorney for Defendants

ORDER

In light of the foregoing, **IT IS HEREBY ORDERED** that this matter is **REMANDED** to the Eighth Judicial District Court.

IT IS SO ORDERED.

June

Gloria M. Navarro, Chief Judge
UNITED STATES DISTRICT COURT